

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

CASE NO.: 3:19-CR-170-B

v.

KEVIN LYNDEL MASSEY

MOTION FOR LIMITED ORDER UNSEALING DOCKET ENTRIES 4 AND 5

COMES NOW the United States of America, and requests that this Court issue a Limited Order Unsealing Docket Entries 4 and 5 in the above entitled and numbered case.

1. On or about May 1, 2019, sealed Docket Entries 4 and 5 were filed in this case.

2. On or about July 22, 2019, the United States Marshals Service and the Federal Bureau of Investigation learned that Kevin Lyndel Massey, a wanted federal fugitive, was hiding at the residence of James Russell Smith. Thereafter, on July 23, 2019, a search warrant was obtained and executed on Smith's residence in Hunt County, Texas. Prior to law enforcement's arrival, Massey escaped into the woods.

3. Thereafter, an indictment was obtained against James Russell Smith for conspiracy to harbor Massey. (3:19-CR-395-B). A jury trial is scheduled in Smith's case before this Court on Monday, March 9, 2020. (3:19-CR-395-B, Dkt. 23). As a part of the government's evidence at Smith's trial, the government must show that a valid arrest warrant had been issued for Massey's arrest. Further, in order for the jury to understand

the basis and reason for the issuance of the arrest warrant, the government intends to call Massey's United States Probation Officer. Pursuant to the *Jencks* Act, the government is required to provide a copy of Docket Entry 4 that was submitted by the probation officer, which led to the issuance of the arrest warrant. As a part of the government's case against Smith, the government plans to mark a certified copy of Docket 4 and 5 as trial exhibits.

4. Therefore, the United States asks the Court to enter a limited Order unsealing Docket Entries 4 and 5 so they may be provided pursuant to the government's discovery obligations in the *Smith* case, and so said documents may be used as exhibits at the *Smith* trial. (3:19-CR-395-B).

WHEREFORE, it is respectfully requested that the Court order the limited unsealing of the above identified documents in this case.

Dated this 2nd day of March, 2020.

Respectfully submitted,

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